

### **REMARKS**

Claims 1-20 are presently active.

In the Office Action dated 18 February 2004 ("Office Action"), claims 1-6, 15, 16, 18, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Kalkunte, et al., US patent 6,078,591 ("Kalkunte"); claims 7-14 were allowed; and claims 17 and 20 were objected to but indicated as allowable if rewritten as suggested in the Office Action.

Applicants acknowledge with appreciation the allowance of claims 7-14 and the conditional allowance of claims 17 and 20.

#### **Rejection of claims 1-6**

These claims as originally presented are believed to be novel over Kalkunte because they recite that a link frame is transmitted. In column 6, lines 33-36 of Kalkunte, it is taught that the MAC attempts to transmit a data packet stored in the FIFO.

Furthermore, to better define the invention, claims 1, 2, 3, 5, and 6 are amended to clearly indicate that the method is performed by the PHY. With this amendment, these claims are further distinguishable from Kalkunte because Kalkunte teaches a method performed by a MAC, not a PHY.

#### **Rejection of claims 15, 16, 18, and 19**

These claims are believed to be distinguishable from Kalkunte because the claim limitations at issue clearly refer to limitations of a PHY, not a MAC. As discussed above, Kalkunte teaches properties of a MAC.

These claims are further distinguishable over Kalkunte because they include the limitation of "a collision detector, wherein if a first collision is detected by the collision detector during the attempt to transmit the first link frame, the PHY attempts to transmit a second link frame a time interval equal to an Inter Packet Gap (IPG) after transmission of the first link frame." Note that this claim limitation refers to the transmission of a link frame, not a data frame as taught in Kalkunte. Also, the claims of the present application recite that the second link frame is transmitted at a time interval equal to an Inter Packet Gap (IPG). However, in column 6, lines 41-52, Kalkunte teaches that if a collision is

detected, the MAC, after waiting the calculated number of slot times, waits for the minimum IPG and begins transmission if no receive carrier is sensed. The "calculated number of slot times" is according to the TBEB algorithm. Thus, in Kalkunte, after a collision is detected, the time interval for another transmission of a data frame is longer than a IPG.

Respectfully submitted,

Seth Z. Kalson Dated: 7-13-04

Seth Z. Kalson

Reg. no. 40,670

Attorney for Intel Corporation (Assignee)